

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

STEVE NIDES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

No. 10-cv-348-DRH

ORDER

HERNDON, Chief Judge:

On April 18, 2011, the Court entered an order (Doc. 10) acknowledging its failure to comply with the mandate of Rule 8(c) of the Rules Governing Section 2255 Proceedings for the United States District Courts (the Rules Governing § 2255 Proceedings). That rule provides that “[i]f an evidentiary hearing is warranted, the judge must appoint an attorney to represent a moving party who qualifies to have counsel appointed under 18 U.S.C. § 3006A.” RULES GOVERNING § 2255 PROCEEDINGS FOR THE U.S. DIST. COURTS R. 8(C) (2011). Accordingly, the Court ordered Nides to file a motion for appointment of counsel for the purposes of learning his present desire and for obtaining the financial needs affidavit associated therewith or a notice that he waives that right within 30 days from the date of the order. On April 28, 2011, Nides filed a motion for appointment of counsel (Doc. 11), declaring under penalty of perjury that he is unable to afford the services of an attorney and

requesting the Court to appoint him counsel. Based upon Nides' motion, the Court finds that Nides is financially unable to obtain counsel pursuant 18 U.S.C. § 3006A. Therefore, the Court appoints attorney Frederick Hess as CJA counsel to represent Nides. Mr. Hess's representation shall be for the purposes of this hearing only, and not for any subsequent post-judgment motions or appeals. The Court hereby sets the matter for an evidentiary hearing on Thursday, July 7, 2011, at 1:30 p.m. If this is time period does not give the attorneys adequate time to investigate and prepare, a motion to continue the hearing should be filed.

IT IS SO ORDERED.

Signed this 29th day of April, 2011.

 Digitally signed by David R. Herndon
Date: 2011.04.29 13:05:04 -05'00'

**Chief Judge
United States District Court**